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THE RELATIONS BETWEEN THE BRITISH DOMINION OF VIRGINIA AND THE DOMINION OF CANADA.*

Over two years ago my friend, the late Professor A. H. F. Lefroy, of the University of Toronto, urged me to support the efforts of our distinguished Chairman, Mr. Justice Chisholm, who was then advocating the celebration of the 200th anniversary of the establishment of the first British Court of Judicature to sit in any part of what is now Canada. Professor Lefroy justly pointed out that a Court of Judicature was the symbol, indeed the very embodiment of "The Reign of Law"¹ which I had discussed in my Presidential Address to the Royal Canadian Institute—of which, by the way, his father, the late Sir Henry Lefroy,² was one of the founders. And I should like to say here before passing on that Canada owes a greater debt than is generally known to both father and son for their contributions to the intellectual life of this country.

I come now to my main subject. In the minutes of the Council meeting called by His Excellency Richard Philipps, Governor of the Province of Nova Scotia, for April 19th, 1721, "to consider of establishing a Court of Judicature to be held for this Province" and adjourned until the next day, it was recited that the Governor had been directed "by His Instructions³ to make the 'Lawes of Virginia'⁴ the rule and pattern for this Government (where the same are applicable to the present circumstances until such time as the Government shall be settled upon a sure

*A paper by Dr. J. Murray Clark, K.C., M.A., LL.B., of Toronto, Canada, read at Annapolis Royal, Nova Scotia, August 31, 1921.

1. Transactions of Royal Canadian Institute, Vol. XII, p. 1.

2. Transactions of Royal Canadian Institute, Vol. XII, p. 2.

3. See article by C. E. A. Bedwell on Nova Scotia and Virginia, in "Landmark" of August 1921, Vol. III, p. 515.

4. Virginia Law Register, Vol. VI, N. S., p. 81, June 1920. See article by Colonel T. W. Shelton in 91 Central Law Journal, p. 262.

foundation according to the Lawes of Great Britain)" and it was directed that a Court ⁵ as constituted should be held as specified, and that such Court should have the "Same Style and Cognizance of all matters and pleas brought before them and power to give judgment and award—Execution thereupon, by the same manner of proceedings as the General Court so called of Governor and Council has in Virginia, and practices at this time".⁶

Let us glance for a moment at the beginnings of the Virginia whose "Lawes" your Governor of two hundred years ago was directed to follow.

The name "Virginia" was adopted in the spacious days of Queen Elizabeth; and Spencer, in his dedication to her of the *Fairie Queen*, includes among her titles that of "Queen of Virginia". The project was largely due to the energy, foresight, and patriotism of Sir Walter Raleigh, who, with all his faults, must be regarded as one of the greatest Englishmen. His career marks an epoch in our history, and following an eminent historian, we may regard the glorious Elizabethan era as extending for some years after her death, and not ending until the death of Raleigh, the last of the Elizabethan heroes, in 1618.

We must bear in mind that discovery and adventurous exploration had so widened their horizons that men could properly speak of a "new earth". Astronomical Science, aided by the famous telescope of Galileo, had destroyed the system of Ptolemy, and demonstrated the more harmonious system of Copernicus; so that men could truly speak also of "new heavens". It was the age of the Gilberts, half brothers of Raleigh, one of whom originated the name, if not the science, of Electricity; and another, after claiming Newfoundland, our oldest colony, for his Queen, and so for the British Empire, cheered his drowning sailors by reminding them that Heaven was as near on sea as on land. It was the age of Bacon and of Harvey, the discoverer of the circulation of the blood; the age of Frobisher, Grenville, Cavendish, Hudson, Drake, and Philip Sydney; of far-sighted statesmen, skillful diplomatists, such as Knollys, Walsingham and Randolph; and of learned lawyers, of whom I need mention only

5. Virginia Law Register, Vol. VI, N. S., p. 744, Feb. 1921. Dalhousie Review, April 1921.

6. Nova Scotia Archives, Vol. III, p. 28 *et seq.*

Coke. It was the age of Champlain, to the fruits of whose strenuous efforts the British Empire has become heir. Above all, it was the age of Shakespeare, the greatest creative genius that Europe has yet produced. In such a time was Virginia founded, the settlers (among whom were officers and men who had taken an honourable part in defeating the Invincible Armada) taking with them as a precious heritage the laws of England, which they developed in such admirable fashion that in the following century the "Lawes of Virginia" were followed in Nova Scotia.

It is worth while to recall that Raleigh thoroughly understood the principles of self-government, often erroneously described as modern. The word "nation" is now used with various and vague meanings. Raleigh used the word with a precise meaning when he expressed the belief that he would live to see Virginia become an "English nation". If it is not now an English nation, it is an influential part of a great English-speaking nation—the United States of America.

Perhaps at this stage one should at least partially answer the question raised in my lecture at Harvard University, namely "Why the Lawes of Virginia?" The subject is a profoundly interesting, indeed fascinating one, but time will only permit a few words on it.

At a critical time, the agents of Virginia were able to show that Virginia had always been a convinced upholder of the monarchical form of Government and that its General Assembly "had never passed a law in derogation of the royal prerogative". As long ago as 1675, these agents made the following significant statements: "The New Englanders have obtained the power of choosing their Governor; but the Virginians would not have that power, but desire that their Governor may from time to time be appointed by the King. The New Englanders imagine great felicity in their form of Government, civil and ecclesiastic, under which they are trained up to disobedience to the Crown and the Church of England, but the Virginians would think themselves very unhappy to accept of and live under a government so constituted," etc.

Dr. Bruce, one of the ablest of the historians of Virginia, points out how closely Virginia approached the system of the Mother Country and that not even the revolution could efface

on our continent the mighty work which England had done through the growth of Virginia and the other American communities. He points out that her general principles of law and government, her standards of morality, her canons of literary taste, and her practical conservative spirit, have been too deeply stamped upon all those communities for a political revolution to diminish their influence, and he contends that American independence has really led to the most glorious of all England's triumphs. He points out that, as a separate nationality, "the United States has drawn a very large proportion of its citizens from the various countries situate on the European continent, and differing very radically in the character of these peoples. Transferred to America, these immigrants were destined to see their children grow up almost as deeply affected by the spirit of the fundamental institutions of England, as represented in the general framework of the American system, as if they were of the purest Anglo-Saxon stock." His conclusion is well worth quoting: "From this point of view, the foundation of Jamestown is the greatest of all events in the modern history of the Anglo-Saxon race and one of the greatest in the history of the world. From this point of view also the conditions prevailing in colonial Virginia—the foremost and most powerful of all the British dependencies of that day, and the one which adopted the English principles and ideas most thoroughly and was most successful in assimilating them, becomes of supreme interest; for from these conditions was to spring the characteristic spirit of one of the greatest modern nationalities; and from these conditions was to arise a permanent guarantee that, whatever might be the fate of England herself, the Anglo-Saxon conception of social order, political freedom, individual liberty, and private morality, should not perish from the face of the earth."

Notwithstanding the present disturbances, I have great faith in

"our crowned republic's crowning common sense",

but many besides this Virginian Historian have, at various times, despaired of "the fate of England" Carlyle,⁷ writing in 1829, said "how often have we heard, for the last fifty years, that the

7. "Signs of the Times".

country was wrecked and fast sinking; whereas up to this date the country is entire and afloat!" And again, "day by day, in all manner of periodical and perennial publications, the most lugubrious predictions are sent forth". For reasons I shall shortly indicate, we can in 1921 say what Carlyle said fourteen years after Waterloo, "Time and the hours will bring relief to all parties".

A time came in the course of English History when policy was formed on the stupid advice of men like North, while the statesmanlike advice of men like Chatham and Burke was overruled, with the disastrous result that the connection between Virginia and the Mother Country was interrupted. Some Virginians thought that all the grievances could be remedied without severing the connection; and, not counting the tremendous sacrifices involved, determined to remain British, and to spend their lives and bring up their children under the flag of their fathers, which is still the flag of Canada. These Virginians and other United Empire Loyalists have had a powerful influence in the development of Canada which there is not time to detail. It is, however, pertinent to remark that while Ontario adopted its town and township system from England, it derived its county system from Virginia. As administered in Virginia, the county system contained the germ of the federal principle, which is undoubtedly the greatest contribution of the United States to Political Science. The federal principle was discussed by the Greeks several thousand years ago and subsequently by others, but it may be correctly said that it was first put into successful practical operation in the great country to the south of us and that by its adoption in Canada and elsewhere the unity of the British Empire has been preserved. Further, in my humble opinion, it is by the extension of the federal principle that the permanent integrity of our Empire, which stands for liberty and justice, and is the greatest force for peace yet developed, will be permanently maintained.

If further proof is necessary to show that Virginia was a potent factor in developing and enunciating the federal principle, I need only refer to the work of Chief Justice Marshall, one of the great sons of Virginia, who was not only a famous Jurist but a far-sighted Statesman.

The first Parliament of Upper Canada (now Ontario) which met in pursuance of the Imperial Statute of 1791 (known as the Constitutional Act), at Newark (now Niagara), enacted that in all matters of property and civil rights resort should be had to the laws of England (as they stood on the 15th October, 1792). This must be qualified by the important exception, not expressed by the Legislature but implied by the Courts, of such English laws as are clearly not applicable to the state of things existing in the Province. The principle was well stated by Chief Justice Sir John Beverley Robinson, to whom I shall presently refer. That first Parliament also provided for appeals to His Majesty in Council. The appeal is now to the Judicial Committee of the Privy Council, which has rendered, and will, I hope, continue to render signal service not only to Canada and the Empire but also to the whole civilized world. That august tribunal has not only to deal with the Common Law of England, brought from England to Virginia and via Virginia to Nova Scotia, but with many other systems of law, such as the Civil Law in force in Quebec, the Roman Dutch Law in parts of South Africa, and many other laws. This illustrates the genius of the British Empire, whose unity is not based on a dull and deadly uniformity, but is enriched by a most diversified variety. Those who brought to Ontario the noble traditions of British Virginia took their due part in passing this wise legislation of the Parliament of 1792, and their descendants are still influential in maintaining British traditions.

The first educationalist in the Province of Ontario, indeed at one time the only educationalist, was the Reverend Dr. John Stuart, a grandson of Governor Dinwiddie of Virginia. He had a good deal to do with the training of two Chief Justices—Chief Justice Stuart of Quebec, and Sir John Beverley Robinson, the first Chief Justice of the Ontario Court of Appeal, who referred to Dr. Stuart as his spiritual father. Professor A. H. Young, of the University of Toronto, has rendered good service by making scholarly investigations of the records of Dr. Stuart, many of whose descendants, including Sir Campbell Stuart, did splendid work in the Great War. Men of science are busy investigating the beginnings of civilization. Much more important, it

seems to me, is it to study the beginnings of the history of our own country.⁸

Sir John Beverley Robinson was the son of a Virginia lawyer. He became Attorney General when he was twenty-one, but after achieving this distinction, decided to study law in London, at Lincoln's Inn. So that it can be truly said that he brought to the administration of justice in Ontario the traditions of Virginia as well as the traditions of the English Courts. He acted as Chief Justice for 33 years. In all that time only five of his decisions were questioned by appeal to the Judicial Committee of the Privy Council, and in every case the judgment of Chief Justice Robinson was sustained. His judgments as published in our Law Reports are enduring monuments of his learning, legal acumen, and sound judgment.

What has happened to the Common Law since it was brought from England to Virginia, and via Virginia to Nova Scotia, constitutes, I think, a solid ground for sane optimism as to the future. For "our Lady of the Common Law" now rules in all of the United States except Louisiana, and in all of Canada except Quebec.

In considering the significance of this it is well to bear in mind the statement of Savigny that "law must be regarded as a product of the entire history of a people. It is not a thing that can be made at will or ever has been so made; it is an organic growth which comes into being by virtue of an inward necessity, and continues to develop in the same way from within by the operation of natural forces". Part of the laws so brought to Virginia were the principles of the Great Charter, which are the common heritage of England, Canada, and the United States. To this is largely due the important, indeed unique, fact that along the three thousand miles of boundary between the United States of America and Canada there has been uninterrupted peace for over a hundred years. For a part of these hundred years all was not Canadian boundary, as a hundred years ago Canada consisted of Lower Canada, now Quebec, and Upper Canada, now Ontario; but wherever the boundary was from time to time, it was always during the whole century British

8. Bryce in "United Empire", Vol. XII, N. S., p. 566 (August 1921).

boundary. As it is their common glory, the British Empire and the United States are therefore fully justified in pointing the war-weary and war-sick nations to the hundred years of peace along the whole of the three thousand miles of the Canadian boundary as an object lesson for study and imitation. Canadians understand the people of the United States better than the people of the Mother Country do, and should therefore be the interpreters of the United States to the British Empire, and for similar reasons, the interpreters of the British Empire to the United States. We should play a worthy part in preventing misunderstanding, in preserving the peace along the international boundary for the next thousand years, and in maintaining the solidarity of the English Speaking Peoples. It is manifestly plain that in the near future all of the combined resources of the British Empire and the United States will be needed to defend and maintain our common ideals.

Of course, in considering this development we must take into account the legislation of various bodies having jurisdiction. In the United States, in five years over 62,000 statutes were passed and, notwithstanding this mass of legislation characterized by a critic in the United States as the "Rain of Law",⁹ the virile vitality of the Common Law is such that, according to a competent authority, over ninety per cent of the important disputes in the United States are still decided by the principles of the Common Law. It is to be remembered that the consequences of legislation are determined by natural laws whose operation is as inexorable as the laws of chemistry or physics. It is by reason of this fortunate fact that legislation is so often futile. It is well known, for instance, that all laws to lower the rate of interest have invariably and inevitably resulted in an increase in the rate of interest. Bryce gives another striking instance when he points out that the provisions for the election of judges and officials in the United States were enacted professedly to give effect to the sovereignty of the people, but had the opposite effect—namely, to increase the power of the "bosses" who largely control the elections for their own selfish ends. We talk somewhat inaccurately about a "body politic" but, without pressing the

9. Atlantic Monthly, Vol. 114, p. 107, 1914.

analogy too far, we may correctly say that a statute is as important for the community as a surgical operation upon the person of a citizen. If such an operation is performed by a person without an accurate knowledge of anatomy the results are likely to be disastrous. It is quite as absurd to expect legislators to pass wise laws without any adequate knowledge of social science, or even of the principles of legislation, as it would be to expect a blacksmith, because he is honest and popular, to operate successfully for appendicitis; and the fact that the operator may profess the most humanitarian motives, and may be an effective "vote-getter", will not alter the result. Nor will good intentions prevent an ill-considered Statute passed without regard to the fundamental facts of human nature and in violation of the inalienable human right to liberty—doing mischief; indeed the history of legislation contains many striking illustrations of the shrewd French saying "that the lower regions are paved with good intentions".

Many forget the true saying of Bacon: "For the chain of causes cannot by any force be loosed or broken, nor can nature be commanded except by being obeyed". This is the true explanation of the fact that there is so much disappointment and disillusionment as to the effects of legislation. The late Principal Denny well said: "It is just as needful to say 'Put not your trust in Parliament', as 'Put not your trust in princes'." We forget that though we talk about the sovereignty of parliaments, no parliament can break a single link in the chain of cause and effect, and while parliaments may ignore and disregard the fundamental distinction between right and wrong, they cannot evade or prevent the inevitable consequences of their statutes in accordance with economic and other laws, over which legislatures have and can have no control. This explanation is well expressed by the concluding lines of the remarkable book by T. R. Glover, the public Orator of Cambridge, entitled "From Pericles to Philip", as follows:

"And the end men looked for cometh not,
And a path is there where no man thought,
So hath it fallen here."

I do not for a moment underestimate the vital importance of

Statute Law. In some instances good may really be done by carefully drawn statutes especially where the legislators know thoroughly the law they propose to amend and the reasons therefor, its history and the forces at work in relation thereto, when the legislators completely understand the defects it is desired to remedy and the effect of the suggested remedy, and also appreciate the evils that are certain to result from the proposed legislation, for, human nature being what it is, legislation usually results in mischief. As in the case of some few surgical operations on private individuals, there may be a preponderance of good over the evil done by the enacting of statutes which are wise, carefully considered, and skilfully drawn.

In a very notable case, *Taylor v. Horde* (1757) 1 Burr 60, Lord Chief Justice Mansfield said at page 108: "But the Statute, (18 Edward I) *Quia Emptores Terrarum*, which took away subinfeudations and gave free liberty of alienation—and other statutes—the frequent releases of feudal services; the statute of uses and of wills; and at last the total abolition of all military tenures; have left us little but the names of 'feoffment', 'seisin', 'tenure' and 'freehold'; without any precise knowledge of the thing originally signified by these sounds."

Later, Chief Justice Mansfield does refer to "the sense of wise men and the general bent of the people in this country," and "public utility"; but justly gives the main credit for the reforms he describes to legislative activity; and these reforms substantially amount to the abolition of the feudal system. It is particularly desired to emphasize that the process was a gradual one, extending from the reign of Edward I, the English Justinian, down to the middle of the eighteenth century, five hundred years; and also that the reform had been achieved in England before 1757, the date of Lord Mansfield's judgment, and some years before the American Revolution.

Some fear that the development of the Common Law will be thwarted by unwise legislation, checked by the arbitrary power of bureaucracy, and overwhelmed by "mobocracy", for we must never forget that "the worst thing in the world is ignorance in motion". To cast out this base fear, we have only to remember that the Common Law is founded on liberty, justice, and truth, which are mighty and will again prevail.

We are apt, however, to disregard the warning of Shakespeare, that the "insolence of office" is one of the most grievous ills to which "flesh is heir", and to overlook his other statement, based equally on his profound knowledge of human nature that, when vested with arbitrary powers, the typical official,

"Drest in a little brief authority
Most ignorant of what he's most assur'd

Plays such fantastic tricks before high heaven
As make the angels weep."

Our fathers abolished one Star-Chamber. This generation, disregarding the abhorrence of the Common Law for arbitrary power, is establishing many Star-Chambers. When they become too oppressive, as most certainly they will, our children or our grandchildren can abolish them.

For we must never forget that "our Lady the Common Law" is sagacious, tolerant and patient, and knows well the frailties of human nature, and that the penetrating question of the Romans, *Quis custodiet ipsos custodes?* (Who will keep the keepers?) has not yet been satisfactorily answered. Therefore law must ever be regarded as the main safeguard of democracy, or, to quote the phrase of President Harding, "the bed-rock of democracy".

History demonstrates that uncontrolled, irresponsible power, such as it is now the fashion to vest in Commissions and Officials, will in the long run most certainly be abused. Knowing this, one of the great men of the United States said they would establish a government of laws, not of men. He is the more to be applauded because the idea was not new. Thousands of years before, Solon, who is justly described as the "most profound political genius of antiquity" had said, "It is the essence of democracy to obey no master but the law".

In his great book on Modern Democracies, Lord Bryce justly observes that, "The two safeguards on which democracy must rely are law and opinion."

I have already said all that time will permit about law as a safeguard of democracy, but on this head desire to quote the warning of that great pro-Virginian English statesman, the im-

mortal Irishman, Edmund Burke, which cannot be too often reiterated¹⁰ or too strongly emphasized. He said:

"Liberty to be enjoyed must be limited by law; for where law ends there tyranny begins; and the tyranny is the same, be it the tyranny of a monarch or of a multitude; nay, the tyranny of the multitude may be the greater, since it is multiplied tyranny."

Opinion, to be of any value as a safeguard of democracy, must be the result of clear thinking about accurate information. Hence celebrations such as these in which we are taking part are useful in safeguarding democracy—making democracy safe for the world.

In the early days of Virginia a form of socialism now advocated in Canada, England, the United States, and elsewhere, was tried, resulting in starvation, in the "starving years", referred to in local histories. It seems to me important that full information about the Virginia Experiment of Socialism should be made public, or at any rate available for every student. Much information is already available, but I shall only take time to read a few lines from an interesting report by Ralph Hamor and John Rolph, made at the time. They are competent witnesses, and say, "When our people were fed out of the common store, and laboured jointly together, glad was he, who could slip from his labour or slumber over his taske he cared not how, nay, the most honest among them would hardly take so much true paines in a weeke as now for themselves they will doe in a day; neither cared they for the increase, presuming that howsoever the harvest prospered the generall store, must maintaine them so that wee reaped not so much Corne from the labours of thirtie as three or foure doe provide for themselves."¹¹

Some scholars contend that in *The Tempest*, one of the greatest of his plays, Shakespeare discusses the Virginia Experiment of Socialism. Whether this is so or not, Gonzalo, in *The Tempest*, is made to state the essential basis of socialism and communism in the words:

10. "The Reign of Law", 84 Central Law Journal, p. 382. See also Virginia Law Register, June 1920. Transactions of Royal Canadian Institute, Vol. XII, p. 14.

11. Narratives of Early Virginia by Tyler.

“ for no kind of profit
Would I admit.”

This reference to the elimination of profit indicates the vital importance of a complete scientific investigation of the Virginia Experiment¹² of Socialism, because profit is an absolutely essential attribute of property; and if you eliminate profit you destroy property, that is, the institution of private property. Now the prohibition “Thou shalt not steal” involves the existence of property; consequently, if you eliminate profit and abolish property you abrogate the Eighth Commandment. If it is remembered that the moral law is one and indivisible, it will be seen that by eliminating profit you necessarily abrogate the whole moral law. Similarly, reason demonstrates that socialism is an enemy of marriage and the family. The spread of false socialistic doctrine is undoubtedly the cause of the sinister development referred to by an English judge when he said, in 1920, that “marriage with many people appeared to be nothing but a necessary preliminary step to being divorced”. Sociologists have pointed out how frequent divorce is among savages. The importance of this is indicated by the pregnant observation of F. H. Giddings,¹³

“There is no cure for degeneration but in a pure and sane family life, which disciplines the welcome and untainted child in the robust virtue of self-control, and in an unswerving allegiance to duty.”

When the system now advocated was discussed by the Greeks more than two thousand years ago, Aristophanes (as translated by Rogers), pointed out the logical consequence in the lines:

“All women and men will be common and free
No marriage or other restraint will there be.”

It is equally plain that if you eliminate profit, and destroy the institution of private property, you destroy liberty and all true freedom, for no man is really free who is denied the right lawfully to acquire, hold, and enjoy private property.¹⁴

12. “United Empire”, Vol. XII, N. S., p. 568. Journal of Canadian Bankers Association, October 1920.

13. “The Principles of Sociology”, p. 352.

14. As to the constitutional security for property, see Journal of Canadian Bankers Association January 1919. This article is referred to in Bryce, *Modern Democracies*, Vol. I, p. 483.

Indeed, the French Socialists were at least logical when they advocated that God should be eliminated, and that the idea of the hypothesis of God should be "expelled from human brains". Karl Marx said that "The idea of God is the keystone of a perverted civilization. It must be destroyed." Unfortunately Karl Marx has many followers even in Canada, England, and the United States. His system was put to the test by Lenin and Trotsky in Russia. According to the laws of Human Nature, as described by the master mind of Shakespeare in *Troilus and Cressida*, the system was destined to produce the "universal wof", which, if not destroyed, will destroy Russia. Already millions have perished from starvation, caused by socialism, or perhaps one should say communism, put into practice. This was among the Slavs, whom many regard as one of the lesser breeds without the law, though at a large meeting in one of our Canadian cities during the present month, an orator was loudly applauded when he appealed to his fellow communists "to unite now and fight until Sovietism was firmly established in Canada as it was in Russia." It is therefore important to remember that communism was tried by Englishmen in Virginia, and recently by Australians and Englishmen in New Australia, and that in these, as in all other cases, communism resulted in starvation.

In Canada, and even more in England and the United States, where industry is much more complicated, and population denser than it was in the early days of Virginia, the starvation would be much more appalling—much more terrible than even in Russia.

Though the Virginia Loyalists came to Canada more than a century and a half after the "starving years", they probably had a vivid knowledge that communism and starvation stood in the relation of cause and effect, and it is common knowledge that few if any of them—or for that part of their descendants—have been led astray by the fallacies which since the days of Plato have been periodically advocated.

A Greek Scholar recently proved that most of the fallacies now being advocated, and causing extensive mischief in Canada, England, and the United States, had been put into the mouths of demagogues by Aristophanes. The demagogues and sophists caused the destruction of the Athenian Commonwealth, but their

fallacies will, in both the British Empire and the United States, be defeated by the enlightenment of public opinion. In this illumination, "the gladsome light of Jurisprudence" will be a potent factor. When concluding his lectures to the Law Schools of the United States, Sir Frederick Pollock, her most learned Knight, nobly said :

"Remember that our Lady the Common Law is not a task-mistress, but a bountiful sovereign whose service is freedom. The destinies of the English-speaking world are bound up with her fortunes and her migrations, and its conquests are justified by her works."

While one, as in duty bound, praises "our Lady the Common Law", yet I would not utter one word of criticism or disparagement of the Civil Law which is undoubtedly one of the greatest achievements of the human intellect. It must be remembered that the Civil Law rules not only in France, Scotland, and on the banks of the St. Lawrence, but elsewhere over millions, tens of millions, of men, and in all cases not by reason of imperial power, but by the imperial power of reason, if one may once again so paraphrase the famous saying of Portalis :

"Non ratione imperii, sed imperio rationis."

Truly peace hath her victories no less renowned than War, and Napoleon's Code will be remembered, and in some places revered and obeyed, long after his battles are forgotten.

In the fullness of time the day came when Virginia as part of the United States, and Canada as part of the British Empire, fought under the great Frenchman, Field-Marshal Foch, in a common cause. The sons of Canada and Virginia were tested in the fiery trials of the Great War, and proved faithful and true to the highest ideals. Many of the sons of Canada and Virginia, yea, and of the sons of all parts of the British Empire and the United States and of our Allies, gladly laid down their bright young lives, "their fairest gift of a lover's devotion", to the sacred cause of liberty. Of them we may use the immortal words of Pericles, spoken long years ago in praise of the fallen heroes of Athens :

"But each one, man by man, has won imperishable praise, each

has gained a glorious grave—not that sepulchre of earth wherein they lie, but the living tomb of everlasting remembrance wherein their glory is enshrined, remembrance that will live on the lips, that will blossom in the deeds of their countrymen the world over. For the whole earth is the sepulchre of heroes; monuments may rise and tablets be set up to them in their own land; but on far-off shores there is an abiding memorial that no pen or chisel has traced; it is graven, not on stone or brass, but on the living heart of humanity. Take these men, then, for your ensamples. Like them, remember that prosperity can be only for the free, that freedom is the sure possession of those alone who have courage to defend it.”

Without stinting our admiration and love for noble France, we can say, indeed we must say, that the world's best hopes rest upon the solidarity and co-operation of the English-speaking Peoples. The United States and the British Empire will, in the future, we may confidently hope, render nobler and still more noble service to the cause of Liberty, Justice, Peace, and Civilization, to Learning, by which alone Democracy can be saved from its pernicious, nay, its deadly enemies, the demagogues; to Science, which knows no national boundaries; and to Humanity, which is above all nations.